

### REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-2, 4-15, 17-28 and 30-38 are pending. Claims 1-2, 4-15, 17-28 and 30-38 are pending are rejected.

### DOUBLE PATENTING REJECTION

Claims 1-38 are provisionally rejected under the judicially created (nonstatutory) doctrine of obviousness-type double patenting as being unpatentable over Claims 1-42 of commonly owned U.S. Patent No. 6,853,398, by Malzbender et al., in view of "The Visual Hull Concept for Silhouette-Based Image Understanding" By Laurentini. A terminal disclaimer in compliance with 37 CFR §1.321 is being submitted concurrent with the instant response, thereby obviating the double patenting rejection.

### CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

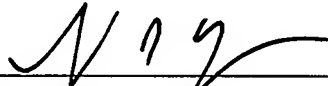
Based on the arguments presented above, Applicants respectfully assert that Claims 1-2, 4-15, 17-28 and 30-38, overcome the rejection of record, and therefore Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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